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/William R. Allen/

William R. Allen, Registration No. 48,389

September 13, 2006

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicants: | Stern et al. | Confirmation No.: | 2778 |
| Serial No: | 10/072,610 | | |
| Filing Date: | February 6, 2002 | | |
| Art Unit: | 3739 | | |
| Examiner: | Peter J. Vrettakos | | |
| Title: | HANDPIECE FOR TREATMENT OF TISSUE | | |
| Atty Docket: | 39238-0747 (THERM-06) | | |

Cincinnati, Ohio 45202

September 13, 2006

Mail Stop Issue Fee
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

Applicants' undersigned counsel notes the Examiner's Statement of Reasons for Allowance attached with the Notice of Allowability. The reasons set forth by the Examiner refer only to some of the features in independent claims 1 and 114, and are not the only reasons that all of the claims are allowable.

With respect to independent claim 1, the prior art fails to disclose or suggest a handpiece for non-invasively treating tissue using RF energy, comprising: a handpiece assembly including a handpiece housing; and an electrode assembly coupled to the handpiece housing, the

electrode assembly including at least one RF electrode with a dielectric portion configured to contact the tissue and a conductive portion disposed on the dielectric portion, the conductive portion further comprising a portion of a flex circuit, the RF electrode adapted to deliver RF energy to the tissue, and the dielectric portion and the conductive portion being arranged such that the RF energy is capacitively coupled from the conductive portion for delivery into the tissue by transmission through the dielectric portion. Dependent claims 2-13, 15-19, 21-38, 40-48, 112, and 113 depend either directly or indirectly from claim 1. Accordingly, each of dependent claims 2-13, 15-19, 21-38, 40-48, 112, and 113 is believed to be allowable based upon at least the allowability of independent claim 1 and, furthermore, upon other features set forth in dependent claims 2-13, 15-19, 21-38, 40-48, 112, and 113 but not discussed herein.

With respect to independent claim 114, the prior art fails to disclose or suggest a handpiece for non-invasively treating tissue using RF energy, comprising: a handpiece assembly including a handpiece housing; and an electrode assembly coupled to the handpiece housing, the electrode assembly including a thin and flexible flex circuit, the flex circuit including a dielectric layer and a conductive RF electrode layer disposed on the dielectric layer, and at least a portion of the RF electrode layer being capacitively coupled to the tissue when at least a portion of the flex circuit is in contact with a skin surface. Dependent claims 115-122 depend either directly or indirectly from claim 114. Accordingly, each of dependent claims 115-122 is believed to be allowable based upon at least the allowability of independent claim 114 and, furthermore, upon other features set forth in dependent claims 115-122 but not discussed herein.

If the Examiner disagrees with any of these comments, he is respectfully requested to provide further explanation on the record. Applicants do not believe that any fees are due in connection with this submission. However, if such petition is due or any fees are

necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

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